

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BARKAN WIRELESS IP HOLDINGS, L.P.,

Plaintiff,

v.

**T-MOBILE US, INC., T-MOBILE USA, INC.,
and NOKIA OF AMERICA CORPORATION,**

Defendants.

Civil Action No. 2:21-cv-00034-JRG

JURY TRIAL DEMANDED

PLAINTIFF'S NOTICE IN ADVANCE OF SCHEDULING CONFERENCE

Pursuant to the Court's April 19, 2021 Order (Dkt. 45) setting a scheduling conference for May 12, 2021 at 9:00 a.m., Plaintiff Barkan Wireless IP Holdings, L.P. ("Plaintiff" or "Barkan") notifies the Court that, as identified in Plaintiff's Civil Cover Sheet (Dkt. 1-4), this Action is related to prior actions in this District. *See Barkan Wireless IP Holdings, L.P. v. CommScope Technologies LLC*, No. 2:19-cv-336-JRG (E.D. Tex. 2019) ("CommScope"); *Barkan Wireless IP Holdings, L.P. v. Samsung Electronics Co., et al.* ("Samsung"), No. 2:18-cv-00028-JRG (E.D. Tex. 2018).

Plaintiff further notifies the Court that it is willing to proceed on an expedited schedule in this Action. This Action involves the same Asserted Patents, similar Accused Products, similar defendants, and similar plaintiff-side discovery to Samsung and CommScope. This Court has twice construed the Asserted Patents, and Plaintiff has proposed that the parties forego a *Markman* hearing and proceed under the Court's existing constructions (subject to reservation of appellate rights). Given the substantial document discovery and claim construction work done in prior cases, Plaintiff expects no more than 9 months is necessary to prepare this Action for trial.

Plaintiff has met and conferred with Defendants to seek assent to such an expedited schedule, and is informed that Defendants are opposed to such relief.

Dated: May 6, 2021

Respectfully Submitted,

/s/ Max L. Tribble, Jr.

Max L. Tribble, Jr. – Lead Counsel
Texas State Bar No. 20213950
Justin Nelson
Texas State Bar No. 24034766
SUSMAN GODFREY, L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
mtribble@susmangodfrey.com
jnelson@susmangodfrey.com

Matthew R. Berry
Washington State Bar No. 37364
Alexander W. Aiken
Washington State Bar No. 55988
SUSMAN GODFREY, L.L.P.
1201 Third Ave., Suite 3800
Seattle, Washington 98101
Telephone: (206) 516-3880
Facsimile: (206) 516-3883
mberry@susmangodfrey.com
aaiken@susmangodfrey.com

William D. O'Connell
New York State Bar No. 5491014
SUSMAN GODFREY, L.L.P.
1301 Avenue of the Americas, 32nd Fl.
New York, New York 10019-6023
Telephone: (212) 336-8330
Facsimile: (212) 336-8340
boconnell@susmangodfrey.com

S. Calvin Capshaw
Texas State Bar No. 03783900
Elizabeth DeRieux
Texas State Bar No. 05770585
CAPSHAW DERIEUX LLP
114 E. Commerce Ave.
Gladewater, TX 75647
Telephone: (903) 845-5770
ccapshaw@capshawlaw.com
ederieux@capshawlaw.com

Michael F. Heim
Texas State Bar No. 09380923
Robert A. Bullwinkel
Texas State Bar No. 24064327
Blaine A. Larson
Texas State Bar No. 24083360
HEIM, PAYNE & CHORUSH, LLP
1111 Bagby St., Suite 2100
Houston, TX 77002
Telephone: (713) 221-2000
Facsimile: (713) 221-2021
mheim@hpcllp.com
abullwinkel@hpcllp.com
blarson@hpcllp.com

T. John Ward, Jr.
Texas State Bar No. 00794818
Claire Abernathy Henry
Texas State Bar No. 24053063
Andrea L. Fair
Texas State Bar No. 24078488
WARD, SMITH & HILL, PLLC
PO Box 1231
Longview, Texas 75606
Telephone: (903) 757-6400
Facsimile: (903) 757-2323
jw@wsfirm.com
claire@wsfirm.com

Attorneys for Plaintiff Barkan Wireless IP Holdings, L.P.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for the parties have complied with Local Rule CV-7(h). The parties engaged in a lead and local meet and confer phone call concerning the subject matter of this Notice on April 28, 2021 at 4:00 p.m. Central. Counsel present on the call included Max Tribble, Bill O'Connell, Claire Henry, David Finkelson, Matthew Cornelia, Holly Saporito, and Deron Dacus.

/s/ William D. O'Connell
William D. O'Connell

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ William D. O'Connell
William D. O'Connell